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/John M. Hammond/

John M. Hammond

Registration No. 52,986

Appl. No. : 10/824,724 Confirmation No. : 6715
Applicant : POHLER, Donald M.
Filed: : 04/15/2004
TC/A.U. : 3746
Examiner : FREAY, Charles G.
Docket No. : DMP-659
Title : TRANSFER PUMP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPLICANT'S SUMMARY OF INTERVIEW WITH EXAMINER
ON OCTOBER 22, 2008

Sir:

The applicant wishes to thank Examiner Charles Freay for his courteous interview with Applicant's agent John M. Hammond on October 22, 2008 at 10:12 AM. The following is a summary of applicant's record and understanding of the interview:

Mr. Hammond and Mr. Freay discussed the Office Communication of July 23, 2008. Mr. Freay indicated that he had not received Mr. Hammond's fax communication sent the previous day, which included a proposed amended Claim 1. this was not a problem continuing with the interview.

The initial discussion was directed to the proposed amended claim 1, with Mr. Hammond reading the proposed amendment in which a new paragraph g

was added, to address in particular, the rejection of claim 1 under 35 USC 103(a) (Harker in view of Ozawa) on page 5 of the Office Communication. Proposed new paragraph g reads, "an annular region formed in said housing within said pump cavity, said annular region comprising a counterbore within which is disposed a seal, said annular region enclosing a seal flood region, and said annular region including an upper passageway between said pump cavity and said seal flood region and a lower passageway between said pump cavity and said seal flood region, both of said upper passageway and said lower passageway being formed as a part of said housing."

After discussion of the proposed amendment, Mr. Freay indicated that it would be sufficient to overcome the above rejection of claim 1. Mr. Hammond indicated that he would amend independent claims 5 and 48 in a similar manner, and amend independent claims 16 and 29 to depend upon amended claim 1. Agreement was reached that these amendments would render these claims allowable over the references cited in the rejections under 35 USC 103(a).

The discussion turned to the rejection of all claims under 35 UCS 112 as failing to comply with the enablement requirement. Whether or not undue experimentation would be required by someone skilled in the art was discussed and Mr. Hammond indicated that he did not believe that undue experimentation would be required. MPEP Section 2164.01(a), "Undue Experimentation Factors" was discussed, with Mr. Hammond discussion factors (F) – (H) in particular. Mr. Hammond indicated that the inventor could provide an affidavit directed to these factors, and that undue experimentation was not required to make and use the

invention according to the specification, which is now a commercial product sold in the marketplace. Mr. Freay indicated that the affidavit would not be required, and that he would like to review the specification and drawings before proceeding further, and then call Mr. Hammond back.

The interview was adjourned at about 10:45 a.m., with Mr. Hammond thankful for Examiner Freay's time.

Mr. Hammond subsequently downloaded Examiner Freay's Interview Summary via Private PAIR that was mailed November 13, 2008, thereby learning that the interview was concluded and there was no need for continuation. Mr. Hammond is in agreement with the contents of the Examiner's Interview Summary. The applicant will file an Amendment in response to the Office action as described herein.

Respectfully submitted,

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